

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE**

RUSSELL L. SILICATO, individually, and)		
KATHERINE L. SILICATO, individually,)		C.A. NO. 1:07-cv-00557-GMS
)	
<i>Plaintiffs,</i>)	
vs.)	
)	
TIMOTHY RYAN RICHARDSON,)		
individually, and)		
CHARLES A KLEIN & SONS INC,)		
a Foreign Corporation,)		
)	
<i>Defendants.</i>)	

SCHEDULING ORDER

This ____ day of _____, 2008, the Court having conducted a Rule 16 Scheduling Conference pursuant to Local Rule 16.2(b) on April 3, 2008 and the parties having determined after discussion that the matter cannot be resolved at this juncture by settlement, voluntary mediation, or binding arbitration;

IT IS ORDERED THAT:

1. **Rule 26(a) Initial Disclosures.** The parties have made their initial disclosures pursuant to Federal Rules of Civil Procedure 26(a).
2. **Joinder of other Parties and Amendment of Pleadings:** There are no motions to join other parties, or amend the pleadings.
3. **Discovery.** All discovery in this case, except the depositions of opposing experts, shall be initiated so that it will be completed on or before October 3, 2008.

Plaintiff's Expert Disclosures: Reports from retained experts required by Fed. R. Civ. P. 26(a)(2) are due from the plaintiff on or before September 3, 2008.

Defendant's Expert Disclosures: Reports from retained experts required by Fed.

R. Civ. P. 26(a)(2) are due from the Defendant on or before October 3, 2008.

Depositions of Experts: Any party desiring to depose an expert witness shall notice and complete said deposition no later than November 3, 2008.

(a) **Discovery and Scheduling Matters:** Should counsel find they are unable to resolve a discovery or scheduling matter, the party seeking the relief shall contact chambers at (302) 573-6470 to schedule a telephone conference. Not less than forty-eight hours prior to the teleconference, the parties shall file with the court, via electronic means (CM/ECF), a **joint, non-argumentative** letter agenda not to exceed two (2) pages outlining the issue(s) in dispute. A sample letter can be located on this court's website at www.ded.uscourts.gov. After the parties have had three (3) discovery teleconferences, they will be required to file a joint letter showing good cause why the court should permit a fourth discovery teleconference. Should the court find further briefing necessary upon conclusion of the telephone conference, unless otherwise directed, the party seeking relief shall file with the court a **TWO PAGE LETTER**, exclusive of exhibits, describing the issues in contention. The responding party shall file within five (5) days from the date of service of the opening letter an answering letter of no more than **TWO PAGES**. The party seeking relief may then file a reply letter of no more than **TWO PAGES** within three (3) days from the date of service of the answering letter.

4. **Confidential Information and Papers filed under Seal:** Should counsel find it will be necessary to apply to the court for a protective order specifying terms and conditions for the disclosure of confidential information, they should confer and attempt to reach an agreement on a proposed form of order and submit it to the court within ten (10) days

from the date of this order. When filing papers under seal, counsel should deliver to the Clerk an original and two copies of the papers.

If, after making a diligent effort, the parties are unable to agree on the contents of the joint, proposed protective order, then they shall follow the dispute resolution process outlined in paragraph 3(a).

5. **Settlement Conference:** Pursuant to 28 U.S.C. §636, this matter is referred to the United States Magistrate for the purpose of exploring the possibility of a settlement.
6. **Case Dispositive Motions:** There are no case dispositive motions.
7. **Applications by Motion:** Except as provided in this Scheduling Order or for matters relating to scheduling, any application to the Court shall be by written motion filed, via electronic means (CM/ECF). Unless otherwise requested by the Court, counsel shall **not** deliver copies of papers or correspondence to Chambers. Any non-dispositive motion should contain the statement required by Local Rule 7.1.1.
8. **Oral Argument.** If the Court believes that oral argument is necessary, the Court will schedule a hearing pursuant to Local Rule 7.1.4.
9. **Pretrial Conference.** On January 6, 2009, beginning at 10:00 AM, the Court will hold a Pretrial Conference in Chambers with counsel. Unless otherwise ordered by the Court, the parties should assume that filing the Joint Pretrial Order satisfies the pretrial disclosure requirement in Federal Rule of Civil Procedure 26(a)(3). A sample form of Pretrial Order can be located on this court's website at www.ded.uscourts.gov. Thirty (30) days before the Joint Proposed Pretrial Order is due, the plaintiff's counsel shall forward to defendant's counsel a draft of the pretrial order containing the information plaintiff proposes to include in the draft. Defendant's counsel shall, in turn, provide to

plaintiff's counsel any comments on the plaintiff's draft as well as the information defendant proposes to include in the proposed pretrial order. **Motion in limine:** No party shall file more than five (5) motions *in limine*. Briefs (**opening, answering, and reply**) on all motion *in limine* shall be filed by December 2, 2008. Opening and answering briefs shall not exceed five (5) pages and reply briefs shall not exceed three (3) pages. The parties shall file with the court the **joint** proposed final pretrial order with the information required by the form of Final Pretrial Order which can be located on this court's website at www.ded.uscourts.gov on or before December 2, 2008.

10. **Trial.** This matter is schedule for a 3 day jury trial beginning at 9:00 a.m. on January 27, 2009.

CHIEF JUDGE GREGORY M. SLEET
UNITED STATES DISTRICT JUDGE